

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission)	
On its Own Motion)	Docket No. 03-0515
)	
Amendment of 83 Ill. Adm. Code 756)	

INITIAL COMMENTS OF THE STAFF OF THE
ILLINOIS COMMERCE COMMISSION

The Staff of the Illinois Commerce Commission (hereafter “the Staff”) states, for its Initial Comments in the above-captioned proceeding, as follows:

I. Background

Section 13-512 of the Illinois Public Utilities Act requires the Commission to conduct a review of its telecommunications-related administrative rules every two years. 220 ILCS 5/13-512. This proceeding is convened pursuant to that requirement. Additionally, in response to Federal Communications Commission Orders, new and/or revised Telecommunications Relay Service (“TRS”) requirements have been incorporated into this rule. *See Second Report and Order, Order on Reconsideration, and Notice of Proposed Rulemaking, In the Matter of Telecommunication Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities / Americans With Disabilities Act of 1990*, FCC No. 03-112, CC Docket Nos. 98-67 / 03-123 (Adopted: May 15, 2003; Released: June 17, 2003) (hereafter “Second TRS Order”); *Report and Order and Further Notice of Proposed Rulemaking, In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, FCC No. 00-56, CC Docket No.

98-67 (Adopted: February 17, 2000; Released: March 6, 2000) (hereafter "First TRS Order"); see *also* 47 C.F.R. §§64.601; 64.604.

In 1985, the Illinois General Assembly passed the Universal Telephone Service Protection Law. See, generally, P.A. 84-1063, adding 220 ILCS 13-703 to the Illinois Public Utilities Act. Section 13-703 provides that:

(a) The Commission shall design and implement a program whereby each telecommunications carrier providing local exchange service shall provide a telecommunications device capable of servicing the needs of those persons with a hearing or speech disability together with a single party line, at no charge additional to the basic exchange rate, to any subscriber who is certified as having a hearing or speech disability by a licensed physician, speech-language pathologist, audiologist or a qualified State agency and to any subscriber which is an organization serving the needs of those persons with a hearing or speech disability as determined and specified by the Commission pursuant to subsection (d).

(b) The Commission shall design and implement a program, whereby each telecommunications carrier providing local exchange service shall provide a telecommunications relay system, using third party intervention to connect those persons having a hearing or speech disability with persons of normal hearing by way of intercommunications devices and the telephone system, making available reasonable access to all phases of public telephone service to persons who have a hearing or speech disability. In order to design a telecommunications relay system which will meet the requirements of those persons with a hearing or speech disability available at a reasonable cost, the Commission shall initiate an investigation and conduct public hearings to determine the most cost-effective method of providing telecommunications relay service to those persons who have a hearing or speech disability when using telecommunications devices and therein solicit the advice, counsel, and physical assistance of Statewide nonprofit consumer organizations that serve persons with hearing or speech disabilities in such hearings and during the development and implementation of the system. The Commission shall phase in this program, on a geographical basis, as soon as is practicable, but no later than June 30, 1990.

(c) The Commission shall establish a rate recovery mechanism, authorizing charges in an amount to be determined by the Commission for each line of a subscriber to allow telecommunications carriers providing

local exchange service to recover costs as they are incurred under this Section.

(d) The Commission shall determine and specify those organizations serving the needs of those persons having a hearing or speech disability that shall receive a telecommunications device and in which offices the equipment shall be installed in the case of an organization having more than one office. For the purposes of this Section, "organizations serving the needs of those persons with hearing or speech disabilities" means centers for independent living as described in Section 12a of the Disabled Persons Rehabilitation Act and not-for-profit organizations whose primary purpose is serving the needs of those persons with hearing or speech disabilities. The Commission shall direct the telecommunications carriers subject to its jurisdiction and this Section to comply with its determinations and specifications in this regard.

(e) As used in this Section, the phrase "telecommunications carrier providing local exchange service" includes, without otherwise limiting the meaning of the term, telecommunications carriers which are purely mutual concerns, having no rates or charges for services, but paying the operating expenses by assessment upon the members of such a company and no other person.

220 ILCS 5/13-703

This law, by its terms, directed the Commission to establish a Telecommunications Relay Service and TTY Equipment Loan Program to residents of Illinois. See, *generally*, 220 ILCS 5/13-703. Local exchange telecommunications carriers subject to the mandate formed, pursuant to Commission order, a not-for-profit corporation, Illinois Telecommunications Access Corporation ("ITAC") to perform the obligations required by the law. See, *generally*, Commission Orders, Illinois Commerce Commission On Its Own Motion: Investigation concerning the implementation of Section 13-703 of The Universal Telephone Service Protection Law of 1985, ICC Docket No. 85-0502.

In the spring of 1990, ITAC began the telecommunications relay service ("TRS") program.

ITAC is funded by a monthly line charge on every subscriber line in Illinois. The Illinois Commerce Commission based on the coming year's projected expenses adjusts the line charge annually on April 1.

The manner in which ITAC undertakes the obligations thus imposed is governed in part by Code Part 756, 83 Ill. Admin. Code 756.10 *et seq.*

In undertaking the biennial review of Part 756, the Staff convened several workshops, attended by interested parties including representatives of telecommunications carriers and other industry participants, ITAC representatives, representatives of the deaf and hard of hearing communities, and other parties. In the course of these workshops, the parties were able to substantially agree upon a rule, which is attached as Exhibit No. 1 hereto, and incorporated by this reference herein.

The Staff notes that the rule thus proposed is the product of good faith negotiation between and among interested parties, and as such, Staff conceded its position on certain elements of the rule in order to obtain concessions from other parties on matters it considered to be of greater importance, and in order to foster agreement.

II. Proposed Amendments to the Rule

A. Section 755.10 Definitions

In the definition of "7-1-1," is added pursuant to 47 C.F.R. §64.601(1).

In the definition of “Act”, the statutory cite of “Ill. Rev. Stat. 1991, ch. 1112/3 pars.1-101 et seq.” was revised to “220 ILCS 5.”

In the definition of “ASCII”, the word “means” has been substituted for the phrase “is an acronym for” for further clarification, and for consistency with FCC rules. See 47 C.F.R. §64.601(3).

The definition of “Call release” has been added to define a TRS feature requiring the release of a call when TRS is required to reach a TTY user through a voice-only interface, such as a switchboard. This definition is necessary in light of action taken by the FCC in the *Second TRS Order*. Second TRS Order, ¶¶68-70; 47 C.F.R. §64.601(5). In the existing definition of “Communications Assistant”, the phrase “or interpret” has been added for clarity and consistency with federal rules, and the phrase “from text to voice and from voice to text” has been deleted to allow for the possibility of “two or more” end users on a TRS call, again to render the definition consistent with federal rules. See 47 C.F.R. §64.601(7). The revised definition further clarifies that “Communications Assistant” supercedes the term “TRS operator”, in a manner consistent with federal rules. Id.

The definitions of “Deaf or hard of hearing,” “Deaf blind,” “Speech-disability,” and “Speech-sight disability” have been deleted, because these definitions are redundant, having been incorporated into the definition of “Disability” set forth in 83 Ill. Adm. Code 755.10.

The definition of “FCC” is added to refer to the Federal Communications Commission.

The definition of “Hearing carry over” and “HCO” are amended to remove the word “reduced” form of TRS and has added the definitions for new HCO technology “Two-line HCO,” HCO-to-TTY,” and “HCO-to-HCO”, inasmuch as these protocols are now required by federal rules. See, *generally*, Second TRS Order, ¶¶29-30, 32, 34; 47 C.F.R. §64.604(a)(3)(v). The definitions of “Illinois Telecommunications Access Corporation” and “ ITAP’ or ‘Program”” are amended to reflect the fact that all telecommunications carriers providing local exchange service, as opposed to simply local exchange carriers, now have obligations under Section 13-703. See 220 ILCS 5/13-703. The definition of “LEC” or “local exchange carrier” is deleted for the same reason. *Id.*

The definitions of “Interexchange carrier” and “IXC” are amended to reflect the statutory definitions of the services provided by such carriers. 220 ILCS 5/13-205

The definition of “Non-English language relay service,” has been added to allow ITAC to implement the optional service for persons with hearing or speech disabilities who use languages other than English access to TRS. The definition of “Public Safety Answering Point” and “PSAP” is added, as PSAPs are the facilities responsible for receiving 9-1-1 calls. See 50 ILCS 750/15.4; see *also* 83 Ill. Admin. Code 725.100 *et seq.*

The definition “Qualified interpreter” is added, to render the state rule consistent with the federal rule, which now requires use of qualified interpreters as defined. Second TRS Order, ¶¶90-92; 47 C.F.R. §§64.601(10); 64.604(a)(1)(v).

The definition “Relay system” and “System provider” are amended to substitute the phrase “telecommunications carriers” for “ILECs”, consistent with statutory changes.

The definition “Speech-to-speech relay service” and “STS” is added to define a TRS service for persons with a speech disability, for purposes of consistency with the federal rule. See Second TRS Order, ¶¶47-51; see also 47 C.F.R. §64.601(11).

The definition “Speed dialing” is added to reflect the fact that federal rule changes require TRS facilities to offer a speed dialing functionality, which allows users to store frequently called telephone numbers. Second TRS Order, ¶¶70-71; 47 C.F.R. §§64.601(13), 64.604(a)(3)(vi).

The definition “SS7” or “Signaling System 7” is added to describe the telecommunications industry’s standard signaling system, which TRS systems now are entitled to use to make certain features available. Second TRS Order, ¶¶14-22. The definition of “TT” is deleted and replaced with the definition of “Text telephone” or “TTY.” This is a purely technical correction.

The definition “telecommunications carriers” is added; this is entirely consistent with the statutory definition.

The definition “Telecommunications Relay Service” and “TRS” is amended to expand the definition to incorporate relay services for specific disabilities and changing technology. The definition “Three-way calling” is added to reflect the fact that federal rule changes require TRS facilities to offer three-way calling,

which is a feature that allows more than two parties to be on the line at one time. Second TRS Order, ¶¶72-75; 47 C.F.R. §§64.601(16), 64.604(a)(3)(vi).

The definition “Transliterate” is amended to update the terminology from “TT” to “TTY.”

The definition of “Video relay service” and “VRS” is added to allow ITAC to implement the optional video relay service for persons with hearing or speech disabilities who seek visual access to TRS. Second TRS Order, ¶¶35-36, 76, 96.

The definition of “Voice carry over” and “VCO” is are amended to remove the word “reduced” form of TRS and has added the definitions for new VCO technology “Two-line VCO,” VCO-to-TTY,” and “VCO-to-VCO”, to reconcile the state and federal rules. See Second TRS Order, ¶¶28-34; 47 C.F.R. §§64.601(17-18).

B. Section 756.15 Dispute Procedures

Paragraph (d) was added to define FCC complaint reporting requirements. The section is also amended to substitute “Staff Liaison” for “Commission” so that the Commission itself need not consider essentially minor disputes. The acronym “LEC” is updated with the words “telecommunications carriers.”

C. Section 756.20 Notice

The section is deleted because it is no longer necessary.

D. Section 756.30 Waiver

Language is added to differentiate responsibility between ITAC, carriers, ITAC or carriers. Financial infeasibility and the requirement that ITAC must show that the waiver requested does not violate any legislative mandate are added to the waiver provisions.

E. Section 756.100 Components of ITAP Services

The Section is updated to require “each telecommunications carrier,” rather than “LECs” to provide intrastate relay service, consistent with statutory changes. This Section also amends the minimum mandatory TRS services and features required by the FCC and allow ITAC to implement other optional TRS services. *See, generally, Second TRS Order; see also First TRS Order, ¶¶13 et seq.; see further, e.g., 47 C.F.R. §64.604(a)(3)(v-vi, viii), (a)(5-6).*

F. Section 756.105 Relay Service Execution and Administration

The term “telecommunications carriers” is substituted for “LECs”, consistent with statutory changes. Language is added to differentiate responsibility between ITAC, carriers, and ITAC or carriers.

G. Section 756.110 Publicity Concerning Relay Service

Revisions to this section revise provisions regarding carriers’ publicity options to increase awareness of the availability and use of TRS, and educate all segments of the public about TRS. The revision further amend the annual media notification requirements, and the annual written notification requirements to

organizations and newsletters serving individuals with disabilities. In addition, the revisions, require ongoing education and outreach programs to publicize 7-1-1 access to TRS consistent with federal requirements, and remove State of Illinois designation from social service agencies so that private agencies may also participate[?]. Finally, the amendments describe the TRS information to be publicized, revise the TT acronym to TTY consistent with other sections, and distinguish between ITAC and carrier responsibilities. *Second Report and Order*, ¶¶61-64, In the Matter of the Use of N11 Codes and Other Abbreviated Dialing Arrangements, FCC No. 00-257, CC Docket No. 92-105 (Adopted: July 21, 2000; Released: August 9, 2000) (hereafter “N11 Order”); see also 47 C.F.R. §64.604(c)(2).

H. Section 756.115 RFP Selection Process

This section is amended to distinguish between ITAC and carrier responsibilities and updates the terminology by replacing “LECs” with “telecommunications carriers.”

I. Section 756.120 System Provider Interactions

This section is amended to add to the contract requirements a process to amend contracts, distinguish between ITAC and carrier responsibilities, and updates the terminology by replacing “LECs” with “telecommunications carriers.” This section was also amended to remove the words “approve and” and the

subsection that addresses requirements of a system provider that is not a telecommunications carrier.

J. Section 756.125 Filing Requirements

This section is amended to include a reference to the minimum TRS functions found in Section 756.100, to state that there shall be no charge for local TRS calls, including payphone calls; that TRS users rates for local and long distance shall be no greater than rates for functionally equivalent voice communication services; and that access to 7-1-1 calls to TRS shall be free of charge. 47 C.F.R. §§64.603, 64.604(c)(3); N11 Order, Appendix A, ¶¶3; Order, ¶4, In The Matter of Telecommunications Relay Services and the Americans With Disabilities Act of 1990, DA No. 00-1911, CC Docket No. 90-571 (Adopted: August 18, 2000; Released: August 23, 2000) (FCC Common Carrier Bureau Order).

The amendments further distinguish between ITAC and carrier responsibilities, and revise the terminology by replacing “LECs” with “telecommunications carriers”, in a manner consistent with revisions to the statute. Amendments to the section delete requirements for the billing of relay assisted calls that are either dialed directly or operator handled, consistent with federal rules. 47 C.F.R. §64.604(c)(3).

K. Section 756.205 Relay Service Operations and Specifications

Revisions to this section incorporate the latest FCC requirements for TRS operations and specifications to include: 1) revises TRS hours of operation; 2) removes the word “adequate” from the redundancy features; 3) removes the reference to a specific TRS calling volume and incorporates with a projected volume of calls; 4) provides for 7-1-1 access to TRS and gives ITAC ownership of the 800 numbers used to access relay service; 5) establishes emergency call procedures for TRS; 6) provides for TRS users to have access to their chosen interexchange carrier through TRS; 7) requires TRS to transmit calls in real time, accept calls that can be dialed directly by a CA, and CAs shall accept and complete TRS calls with the ability to transliterate text messages to voice and vice versa; 8) requires TRS to ensure adequate facility staffing; 9) defines the TRS call answering specifications and requirements; 10) removes the requirements for TRS transmission signals from this section; 11) removes the requirement for an Extended Message Record; 12) allows single or sequential calls and prohibits limiting the duration of calls; 13) requires TRS to be capable of handling any type of call normally provided by carriers, with FCC determination for technologically feasibility; 14) removes VCO and HCO requirements from this Section; 15) imposes standards for recorded messages and interactive menus; 16) requires pay-per-call capability; 17) requires adequate network facilities for TRS; 18) allows for SS7 technology; and 19) requirements for caller identifying information. See, generally, Second TRS Order, N11 Order; see also 47 C.F.R. §§64.603, 64.604(a)(3-4), (b)(1-4).

L. Section 756.210 Communications Assistant Standards

Revisions to this section incorporate the latest FCC requirements for TRS Communications Assistant (“CA”) standards to include: 1) CA skill, training, and testing requirements for the communications needs of individuals with hearing and speech disabilities and CA skill requirements; 2) call privacy requirements; 3) CA conversation requirements; 4) removes the requirement for the number of call attempts; 5) removes the emergency call handling procedures from this Section; 6) CA call time specifications; 7) CA gender specifications; and 8) retention of STS calling information. *See, generally, Second TRS Order; see also 47 C.F.R. §64.604(a)(1-4).*

M. Section 756.215 System Provider Reporting Requirements

The term “telecommunications carriers” is substituted for “LECs”, consistent with statutory changes. Language is added to differentiate responsibility between ITAC, carriers, and ITAC or carriers.

N. Section 756.220 Relay Service Billing and Collection Procedures

This section is revised to remove obsolete billing and collection requirements, references the billing requirements in Section 756.125(a) and (b), and substitutes “telecommunications carriers” for “LECs”, consistent with statutory changes.

O. Sections 756.225 Relay Service Revenues

The revisions require each telecommunications carrier to remit monthly revenues, authorizes ITAC to pay the TRS provider, requires the TRS provider to credit ITAC monthly an amount equal to the intrastate TRS toll revenues billed by the TRS provider, distinguishes between ITAC and carrier responsibilities, and removes obsolete reimbursement requirements.

P. Section 756.300 Staff Liaison

Amendments incorporate FCC requirements for logging and report consumer complaints about TRS, listing of the Commission's contact person for TRS, and the State's certification filing. First TRS Order, ¶¶107-119; 47 C.F.R. §64.604(c)(2), (c)(6).

Q. Section 756.305 Advisory Council Rights

This section is revised to update the terminology by replacing "LECs" with "telecommunications carriers," to reflect revisions to the statute.

R. Table of Contents

Revisions make technical corrections to the Table of Contents, consistent with proposed amendments to the rule.

WHEREFORE, the Staff respectfully requests that the Commission adopt the Proposed Rule in its entirety.

Respectfully submitted,

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